

REMARKS

The present application is directed to novel compositions and methods comprising therapeutic delivery compounds. The compounds are particularly suited for the effective delivery of genetic matter and other compounds to the interior of cells. Claims 1-28 were pending prior to the issuance of the July 27, 2004, Final Office Action. Following entry of this amendment Claims 1-5, 7-13 and 15-28 will be pending. Claims 1, 3, 7, 9 and 15 are amended and Claims 6 and 14 are cancelled. No new matter is added and support for the amendments is found throughout the specification and in the original claims.

Claim objections

In the July 27, 2004 Final Office Action, the Examiner objected to Claim 3, stating that the Claim recited a comma immediately followed by a period. Applicants respectfully submit that the Claim 3 is amended herein to correct this typographical error. Accordingly, Applicants respectfully submit they have overcome the Examiner's objection and request its withdrawal.

Claim rejections under 35 U.S.C. § 112, 2nd paragraph

In the July 27, 2004 Office Action, the Examiner rejected Claims 17-28 under 35 U.S.C. 112, 2nd paragraph for failing to particularly point out and distinctly claim the subject matter. The Examiner stated that the Claims recite a variety of ranges including hydrophobe molecular weights between 3250 and 20,000 Da, between 5000 and 20,000 Da, and between about 7000 and 20,000 Da, and also hydrophile percentages between 1% and 10% and between 80 and 90%. The Examiner concluded there is no support in the specification for the above ranges.

Applicants respectfully traverse the rejection and assert that the Claims define the ranges of hydrophobe molecular weight and hydrophile percentage. In particular, Applicants direct the Examiner to page 21, lines 11-15, of the instant application where the Applicants state, "It should be understood that the molecular weight and percentage ranges that are described for the block copolymer are to be considered outside ranges and

that any population of molecules that fall within the stated range is considered an embodiment of the present invention”.

More specifically, support for the recited ranges of hydrophobe molecule weight can be found on at least page 23, Table II,

wherein the hydrophobe molecular weight is between approximately 3250 (see CRL-8131; CRL-8133 and CRL-8135) and 20,000 Da (see CRL-336);

wherein the hydrophobe molecular weight is between approximately 5000 (see CRL-3632) and 20,000 Da (see CRL-336); and

wherein the hydrophobe molecular weight is between approximately 7000 (see CRL-1235) and 20,000 Da (see CRL-336).

Applicants respectfully submit that support for the recited ranges of hydrophile percent can also be found on at least page 23, Table II,

wherein the hydrophile percentages are between 1% and 10% (see CRL 8950; CRL 1235; CRL-1190 and CRL-336); and

wherein the hydrophile percentages are between 80 and 90% (see CRL-85178 and CRL-9038).

Applicants respectfully submit that, for at least the above reasons, they have overcome the Examiner’s rejection under 35 U.S.C §112, second paragraph regarding Claims 17-28 and request its withdrawal.

Claim Rejections under 35 U.S.C. §102(e)

In the July 27, 2004 Office Action, the Examiner rejected Claims 1-5, 8-13 and 16-28 under 35 U.S.C. §102(e), as anticipated by U.S. Patent 6,359,054 to Lemieux et al. (hereinafter “Lemieux”). However, the Examiner stated that Claims 6, 7, 14 and 15 would be allowable if rewritten in independent form with all limitations of the parent claim(s).

In accordance with the Examiner’s suggestions, Applicants have amended independent Claim 1 to include the limitations of allowable Claim 6 and have amended Claim 9 to include the limitations of allowable Claim 14. Claims 2-5, 7-8 and 17-22

depend from amended Claim 1 and Claims 10-13, 15-16 and 23-28 depend from amended Claim 9.

Accordingly, Applicants respectfully submit that the amended Claims are novel over the prior art and request withdrawal of the rejection under 35 U.S.C. §102(e).

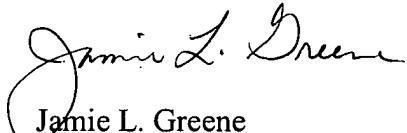
CONCLUSION

The foregoing is submitted as a full and complete Response to the Final Office Action mailed on July 27, 2004. For at least the reasons given above, Applicants respectfully submit that the pending claims are definite, novel and non-obvious. Accordingly, Applicants submit that the claims are in condition for allowance, and such action is courteously solicited.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, to Deposit Account No. 11-0855.

If the Examiner believes that any informalities remain in the case, which may be corrected by Examiner's Amendment, or that there are any other issues which can be resolved by a telephone interview, a telephone call to the undersigned attorney at (404) 815-6500 is respectfully solicited.

Respectfully submitted,


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